

Existing law provides for seizure and forfeiture of property associated with controlled dangerous substances violations.

Existing law provides that when property is forfeited the district attorney shall authorize a public sale without appraisal of that which is not required by law to be destroyed and which is not harmful to the public. The proceeds of any sale and any monies forfeited or obtained by judgment or settlement under this Section shall be deposited in the Special Asset Forfeiture Fund.

Existing law further provides that a Special Asset Forfeiture Fund is established within the Special District Attorney Asset Forfeiture Trust Fund. All monies obtained pursuant to existing law shall be deposited in the fund.

Existing law further provides that the office of the district attorney shall administer expenditures from the fund. The fund is subject to public audit. Money in the fund shall be distributed in the following order of priority:

- (1) For satisfaction of any bona fide security interest or lien.
- (2) Thereafter, for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs.
- (3) The remaining funds shall be allocated as follows:
 - (a) 60% thereof to the law enforcement agency or agencies making the seizure, such proceeds to be used in drug law enforcement, including but not limited to reward programs established by such agencies.
 - (b) 20% thereof to the criminal court fund.
 - (c) 20% thereof to any district attorney's office that employs the attorneys that handle the forfeiture action for the state.

New law retains the provisions of existing law with respect to the allocation of proceeds. If the property seized is a motor vehicle, the seizing agency may retain use of the motor vehicle for use in the course and scope of undercover surveillance and investigation of violations of the Louisiana Controlled Dangerous Substances Law for a period not to exceed six months; thereafter the motor vehicle shall be sold at public sale and the proceeds allocated as provided by existing law. All other property forfeited shall be sold as provided in existing law.

Effective August 15, 1999.

(Amends R.S. 40:2616(A))